

MINUTES
Texas Board of Health Meeting
June 12, 2003

The June 12, 2003, meeting of the Texas Board of Health (Board) was posted to begin at 10:00 a.m., but delayed due to obtaining a quorum. The meeting was called to order at 1:41 p.m., at the Texas Department of Health (department), 1100 West 49th Street, Room M-739, Austin, Texas. Mr. George H. McCleskey, Chair, presided. A quorum was present with members, Raymond Hannigan, Mary E. Ceverha, M. P. A. and Amanullah Khan, M.D., Ph.D., in attendance.

Registered Guests

Steve DeCorte, AIDS Coalition of Texas Now
Tracy Wilson, AIDS Coalition of Texas Now
Nancy Speck, Strategic Health Plan, UT Medical Branch, Stephen F. Austin University
James Smith, MHMR, Mental Health Workforce
Beth Null, GSK Vaccines
Adam Roe, Greater San Antonio Hospital Council
Bill Rasco, Greater San Antonio Hospital Council
Andrea Buckley, Ozarka Spring Water

Mr. McCleskey welcomed guests. Also in attendance at the meeting were Eduardo J. Sanchez, M.D., M.P.H., Commissioner of Health, and other key staff members of TDH.

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY DR. KHAN, THE MINUTES OF THE MAY 8, 2003 TEXAS BOARD OF HEALTH MEETING WERE APPROVED.

Dr. Sanchez spoke regarding recent activities as Commissioner and presented the Commissioner's Report. Dr. Sanchez reported that House Bill 2292, which consolidates eleven state agencies into four agencies, was signed by the Governor. The Health and Human Services Commission will develop a transition plan by December 1, 2003. The department has established a business transition planning group and an operations council to help guide the agency in the consolidation process. Dr. Sanchez acknowledged and thanked Ms. Ruth Stewart for her work with the Texas Board of Health and the School Health Advisory Committee. (*Attachment I*)

Mr. McCleskey presented a resolution in recognition of Ms. Ruth Stewart, M.S., R.N.C., for her service to the State of Texas as a member of the Task Force on School Health Services (March 1997-September 1998), Interagency School Health Council (September 1998-December 1999) and the School Health Advisory Committee (May 2000 – May 2003). (*Attachment II*)

Ms. Jayne Nussbaum, Director, Office of Governmental Relations, and Ms. Machele Pharr, Chief Financial Officer, presented a legislative update. (*Attachments III – VIII*)

Ms. Machel Pharr, Chief Financial Officer, requested approval of 2003 operating budget transfers as detailed in Attachment B. (*Attachment IX*)

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY MS. CEVERHA, THE BOARD APPROVED THE 2003 OPERATING BUDGET TRANSFERS AS DETAILED IN ATTACHMENT B.

Ms. Machel Pharr, Chief Financial Officer, presented the Quarterly Financial Report for the third quarter of Appropriation Year 2003. The Quarterly Performance Report, FTE Cap Comparison and status on the Health and Human Services Enterprise Strategies and Streamlining are not in this report, but will be included the fourth quarter Board report. Ms. Pharr presented the Historically Underutilized Businesses (HUB) report on expenditures for fiscal year 2003. (*Attachment X*)

Mr. Mark Scott, Director, Internal Audit, reported on an agency-wide audit on accounting for vaccines, department Internal Audit participation as trainers for internal auditors, and legislation affecting Internal Audit. (*Attachment XI*)

Mr. William D. Rasco, FACHE, Vice Chair, Hospital Oversight Committee, Texas Center for Infectious Disease, spoke regarding the roles and responsibilities of the Hospital Oversight Committee. Mr. Jim Elkins, Director, Texas Center for Infectious Disease, presented the annual report by the Hospital Oversight Committee for the Texas Center for Infectious Disease. (*Attachments XII-XV*)

Ms. Elaine Powell, Director, Business Improvement Office, presented an update on the activities of the Business Improvement Office including a third quarter report regarding the status of the implementation of the Business Improvement Plan. Ms. Powell reported on how the department will be implementing legislation, budget changes, administrative consolidations, and business improvements from June through September 2003. (*Attachments XVI-XX*)

Rick Danko, Dr. P.H., Director, Office of Strategic Health Planning, presented an update on the State Strategic Health Partnership. Dr. Nancy Speck, University of Texas Medical Branch, Stephen F. Austin University, serves as co-chair to the Steering Committee for Goal C. Dr. Speck spoke regarding the goal to promote mental health and individual and community social connections to improve prevention, early detection, and treatment of mental disorders. Mr. James Smith, Department of Mental Health and Mental Retardation and a member of the Statewide Health Coordinating Council, spoke regarding accomplishments in the area of mental health and complimented Dr. Danko and his staff on the work being accomplished by the Texas Strategic Health Partnership Workgroups. (*Attachment XXI*)

Mr. McCleskey announced a recess at 3:25 p.m., on Thursday, June 12, 2003.

Mr. McCleskey reconvened the meeting at 3:35 p.m., on Thursday, June 12, 2003. Other Board members in attendance were Mr. Raymond Hannigan, Ms. Mary Ceverha and Dr. Amanullah Khan.

Dr. Cindy Jones, Ph.D., R.N., Director, Family Planning Division, requested approval of the appointment of two members to the Family Planning Advisory Committee resulting from term expirations. (*Attachment XXII*)

ON A MOTION MADE BY MS. CEVERHA AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED THE APPOINTMENT OF TWO MEMBERS TO THE FAMILY PLANNING ADVISORY COMMITTEE WITH TERMS TO EXPIRE DECEMBER 2004 AS FOLLOWS:

- MR. STERLING LANDS, CONSUMER
- MR. DOMINIC SCIARRINI, CHAIR OF THE REGIONAL COORDINATING CHAIRPERSONS' SUBCOMMITTEE

Ms. Peggy Belcher, Bureau of Budget and Revenue, requested the appointment of one member representing a public hospital or hospital district to serve on the Tobacco Settlement Permanent Trust Account Administration Advisory Committee whose term will begin September 1, 2003 and end August 31, 2009. (*Attachment XXIII*)

ON A MOTION MADE BY MS. CEVERHA AND SECONDED BY DR. KHAN, THE BOARD APPROVED A MOTION TO TABLE A VOTE ON THE APPOINTMENT OF A MEMBER REPRESENTING A PUBLIC HOSPITAL OR HOSPITAL DISTRICT TO SERVE ON THE TOBACCO SETTLEMENT PERMANENT TRUST ACCOUNT ADMINISTRATION ADVISORY COMMITTEE UNTIL THE SEPTEMBER 2003 TEXAS BOARD OF HEALTH MEETING.

Ms. Martha McGlothlin, Office of the Executive Deputy Commissioner, requested three appointments to serve on the State Preventive Health Advisory Committee. (*Attachment XXIV*)

ON A MOTION MADE BY MS. CEVERHA AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED THE APPOINTMENT OF THREE MEMBERS TO SERVE ON THE STATE PREVENTIVE HEALTH ADVISORY COMMITTEE AS FOLLOWS:

- PAUL K. MCGAHA, D.O., M.P.H., DEPARTMENT REGIONAL MEDICAL DIRECTOR, TERM TO EXPIRE DECEMBER 31, 2004.
- MR. DANIEL B. REIMER, OFFICIAL OF A LOCAL HEALTH DEPARTMENT, TERM TO EXPIRE DECEMBER 31, 2006.
- MS. VISHAL KINRA, CONSUMER, TERM TO EXPIRE DECEMBER 31, 2008.

Ms. Michelle McComb, School Health Program Coordinator, requested the appointment of one member representing health agencies and/or organizations involved with the health of school-aged children to serve on the School Health Advisory Committee whose term ends May 31, 2005. (*Attachment XXV*)

ON A MOTION MADE BY MS. CEVERHA AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED A MOTION TO TABLE A VOTE ON THE APPOINTMENT OF A MEMBER REPRESENTING HEALTH AGENCIES AND/OR ORGANIZATIONS INVOLVED WITH THE HEALTH OF SCHOOL-AGED CHILDREN TO SERVE ON THE SCHOOL HEALTH ADVISORY COMMITTEE UNTIL THE SEPTEMBER 2003 TEXAS BOARD OF HEALTH MEETING.

Mr. Jim Elkins, Director, Texas Center for Infectious Disease, requested approval of proposed repeal of rules concerning bylaws for the Texas Center for Infectious Disease (TCID) and South Texas Health Care System (STHCS) and the management of certain tuberculosis patient affairs. (*Attachment XXVI*)

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY DR. KHAN, THE BOARD APPROVED THE PROPOSED REPEAL OF RULES CONCERNING THE TEXAS DEPARTMENT OF HEALTH HOSPITALS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Chan McDermitt, Perinatal Health Program, Bureau of Women's Health, requested approval of the proposed repeal of rules concerning the Maternal and Infant Health Improvement Program, the State Maternal and Infant Health Care Program Advisory Committee, and the Maternal and Child Health Advisory Committee. The department has reviewed the sections and determined that reasons for their adoption no longer continue to exist. (*Attachment XXVII*)

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED THE PROPOSED REPEAL OF RULES CONCERNING THE MATERNAL AND INFANT HEALTH IMPROVEMENT PROGRAM, THE STATE MATERNAL AND INFANT HEALTH CARE PROGRAM ADVISORY COMMITTEE, AND THE MATERNAL AND CHILD HEALTH ADVISORY COMMITTEE FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Jacquelyn McDonald, Director, Office of the Board of Health, requested approval of a proposed rule concerning the Promotor(a) or Community Health Worker Training and Certification Advisory Committee. The committee has been reviewed and evaluated and it was determined that it should continue in existence until November 1, 2007. (*Attachment XXVIII*)

ON A MOTION MADE BY MS. CEVERHA AND SECONDED BY DR. KHAN, THE BOARD APPROVED A PROPOSED RULE CONCERNING THE PROMOTOR(A) OR COMMUNITY HEALTH WORKER TRAINING AND CERTIFICATION ADVISORY COMMITTEE FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Jacquelyn McDonald, Director, Office of the Board of Health, requested approval of the proposed repeal and amendments to rules concerning the Opticians' Registry and the Opticians' Registry Advisory Committee. The committee has been reviewed and evaluated and it was determined that it should be abolished. The amendments to the rules are required to delete reference to the committee. (*Attachment XXIX*)

ON A MOTION MADE BY MS. CEVERHA AND SECONDED BY DR. KHAN, THE BOARD APPROVED THE PROPOSED RULES AND PROPOSED REPEAL OF RULES CONCERNING THE OPTICIANS' REGISTRY FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Jacquelyn McDonald, Director, Office of the Board of Health, requested approval of a proposed rule concerning the Medical Radiologic Technologist Advisory Committee. The committee has been reviewed and evaluated and it was determined that it should continue in existence until November 1, 2007. (*Attachment XXX*)

ON A MOTION MADE BY MS. CEVERHA AND SECONDED BY DR. KHAN, THE BOARD APPROVED A PROPOSED RULE CONCERNING THE MEDICAL RADIOLOGIC TECHNOLOGIST ADVISORY COMMITTEE FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Jacquelyn McDonald, Director, Office of the Board of Health, requested approval of a proposed rule concerning the Respiratory Care Practitioners Advisory Committee. The committee has been reviewed and evaluated and it was determined that it should continue in existence until November 1, 2007. (*Attachment XXXI*)

ON A MOTION MADE BY MS. CEVERHA AND SECONDED BY DR. KHAN, THE BOARD APPROVED A PROPOSED RULE CONCERNING THE RESPIRATORY CARE PRACTITIONERS ADVISORY COMMITTEE FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Jacquelyn McDonald, Director, Office of the Board of Health, requested approval of a final rule concerning the Indigent Health Care Advisory Committee. The committee has been reviewed and evaluated and it was determined that it should continue in existence until July 1, 2007. (*Attachment XXXII*)

ON A MOTION MADE BY MS. CEVERHA AND SECONDED BY DR. KHAN, THE BOARD APPROVED AN ORDER ADOPTING A RULE CONCERNING THE INDIGENT HEALTH CARE ADVISORY COMMITTEE TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Paula McKinney, Chief, Bureau of Environmental Health, requested approval of final rules concerning the requirements for public employers (tax base-supported employers and agencies created by law) to take actions to protect their employees from hazardous chemicals. (*Attachment XXXIII*)

ON A MOTION MADE BY DR. KHAN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE REQUIREMENTS FOR PUBLIC EMPLOYERS TO TAKE ACTIONS TO PROTECT THEIR EMPLOYEES FROM HAZARDOUS CHEMICALS TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Julie W. Loera, Chief, Bureau of Food and Drug Safety, requested approval of final rules concerning the production, processing, and distribution of bottled and vended drinking water. (*Attachment XXXIV*)

ON A MOTION MADE BY DR. KHAN AND SECONDED BY MS. CEVERHA, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE PRODUCTION, PROCESSING, AND DISTRIBUTION OF BOTTLED AND VENDED DRINKING WATER TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Cindy Bednar, Director, Hospital Program, Health Facility Licensing and Compliance Division, requested approval of final rules concerning the regulation of private psychiatric hospitals and crisis stabilization units. (*Attachment XXXV*)

ON A MOTION MADE BY DR. KHAN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE REGULATION OF PRIVATE PSYCHIATRIC HOSPITALS AND CRISIS STABILIZATION UNITS TO BE EFFECTIVE NOVEMBER 1, 2003, AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Mr. Richard Bays, Associate Commissioner, Consumer Health Protection, requested approval of final rules concerning administrative procedures, issuance of vital records events and statistical information, and the Central Adoption Registry of the Bureau of Vital Statistics. (*Attachment XXXVI*)

ON A MOTION MADE BY DR. KHAN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING ADMINISTRATIVE PROCEDURES, ISSUANCE OF VITAL RECORDS EVENTS AND STATISTICAL INFORMATION, AND THE CENTRAL ADOPTION REGISTRY OF THE BUREAU OF VITAL STATISTICS TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Margaret Drummond-Borg, M.D., Division Director, Genetic Screening and Case Management, requested approval of final rules concerning the Case Management for Children and Pregnant Women Program. (*Attachment XXXVII*)

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY MS. CEVERHA, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE CASE MANAGEMENT FOR CHILDREN AND PREGNANT WOMEN PROGRAM TO BE EFFECTIVE SEPTEMBER 1, 2003, AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Connie Berry, Program Manager Texas Primary Care Office, requested approval of final rules concerning the recommendation for a J-1 visa waiver for physicians to serve in shortage areas in Texas. (*Attachment XXXVIII*)

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY DR. KHAN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE RECOMMENDATION FOR A J-1 VISA WAIVER FOR PHYSICIANS TO SERVE IN SHORTAGE AREAS IN TEXAS TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

There were no public comments. Written comments regarding the HIV Medication Program were submitted for the record by Mr. Tracy Wilson, State Coordinator, AIDS Coalition of Texas Now.

Mr. McCleskey announced the next meeting of the Texas Board of Health will be held on Thursday, August 7, 2003, in Austin, at 10:00 a.m.

The meeting was adjourned on Thursday, June 12, 2003, at 4:10 p.m.

APPROVED: August 7, 2003

George H. McCleskey, Chair
Texas Board of Health

Date